

Testimony before Government Administration and Elections Committee

RB 5528

March 19, 2012

Submitted by Tom Swan

Executive Director of the CT. Citizen Action Group

Good Afternoon Representative Morin , Senator Slossberg and other members of the GAE Committee my name is Tom Swan and I am the Executive Director of the CT Citizen Action Group (CCAG). I want to thank you for having a hearing today on Raised Bill 5528. I am sure that it will not surprise you that there are aspects of the bill we strongly support and aspects we cannot support. Before I get into details of the legislation there are several items I want to make sure are a part of the record.

- 1) The CEP is a great success. It has lessened corruption in Connecticut and is viewed as a model throughout the country. The report in today's Courant saying we are one of least corrupt states in the country is a far cry from being called Corrupticut a few short years ago and is largely due to this law. In addition, the fact that a participating candidate was able compete successfully against two self funding candidates is a testament to how well the program has been designed.
- 2) The CEP has paid for itself several times over – the clearest example is the expansion of the bottle bill, but there are other laws that would not have passed if we were still operating under the previous corrupting system.
- 3) Our law has withstood all legal challenges. The activist right wing Supreme Court ruled against one piece of our law, triggers, which were designed to protect participating candidates from being drowned out by wealthy candidates. Our legislature addressed this for statewide candidates by increasing the grant level in 2010.
- 4) The more dangerous decision by the radical right wing Supreme Court was the Citizen United decision that has resulted in massive spending by Super PACs and other entities in ways that undermine the principal of one person one vote. To see how Koch Brothers' front organizations have used this decision and sleazy tactics in order to buy state governments and to advance their extremist agenda makes it clear that Connecticut needs to update some of our statutes to ensure transparency and the integrity of Connecticut's electoral process.

Raised Bill 5528 is clearly an attempt to address this new reality, which we believe with a mixed degree of success. Some quick points on the bill:

- The strengthening of the disclosure around independent expenditures and lobbyists, the disclaimer requirement, the cable TV providers, and the shareholder protections are very good.
- We agree with tightening the coordination rules, but have concerns that some of the penalties go too far and does not give the SEEC the discretion they should have.
- The penalties for failing to disclose independent expenditures are excellent and are very much needed. We know that a Koch Brothers front group in Maine sent out dishonest and false mailings

that they did not disclose and the lack of real penalty made it worth their while not to disclose it. This provision will help candidates fend off false and limit secret attacks.

- We do not agree with the increase of contribution limits as outlined in the bill and definitely do not agree with the unlimited contributions provision for statewide candidates. The proposal to allow for this for statewide candidates is probably in violation of the trigger decision by the US Supreme Court and is not in the spirit of the CEP legislation. There are ways to allow for candidates to combat high spending or independent expenditures that will pass constitutional muster (even under this court) and live up to the intention of the program. We would oppose the bill if this stays in even with all of the good components.

In closing, we want to thank you for raising this important bill to protect and strengthen the Citizens' Election Program and state our willingness to work with you in refining it as it moves along.